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EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/631,057		DINH ET AL.	
	Examiner		Art Unit	
	Tran A. Quoc		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is a **Final Rejection** in response to remarks filed on 11-21-2006.
2. Claims 1-33 are pending.
3. Effective filing date 07-31-2003.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable by Conboy et al, US US006363418B1 - issued 03/26/2002 (hereinafter Conboy), in view of Khosla et al. US006202061B1-issued 03/13/2001 (hereinafter Khosla), further in view of Prarulski et al. filed 04/11/2003 (hereinafter Prarulski).

Regarding independent claim 1, Conboy teaches **receiving a data stream** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device;

In addition, Conboy teaches **the data stream comprising a document structured by markup elements having attributes, included in an attributes of a markup element of the document, and retrieving the images, from the data processing system**, (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a

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viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying the image's location on the server, can reasonably interpret as, *"a document structured by markup elements having attributes,"* as claimed.

Conboy does not explicitly teach, but Khosla teaches **comprising an image group identifier, identifying a plurality of images, the image group identifier**. Specifically, Khosla discloses a digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) (see Khosla at col. 1, line 65 through col. 2, line 15). Also (see Khosla at col. 6, lines 15-30, also see Fig. 6 and 12a-b), discloses a set of album pages based upon the selected layout, wherein each album assigns a unique number to each slot on the ordered set of album pages (see example in fig 12-b illustrates bellows);

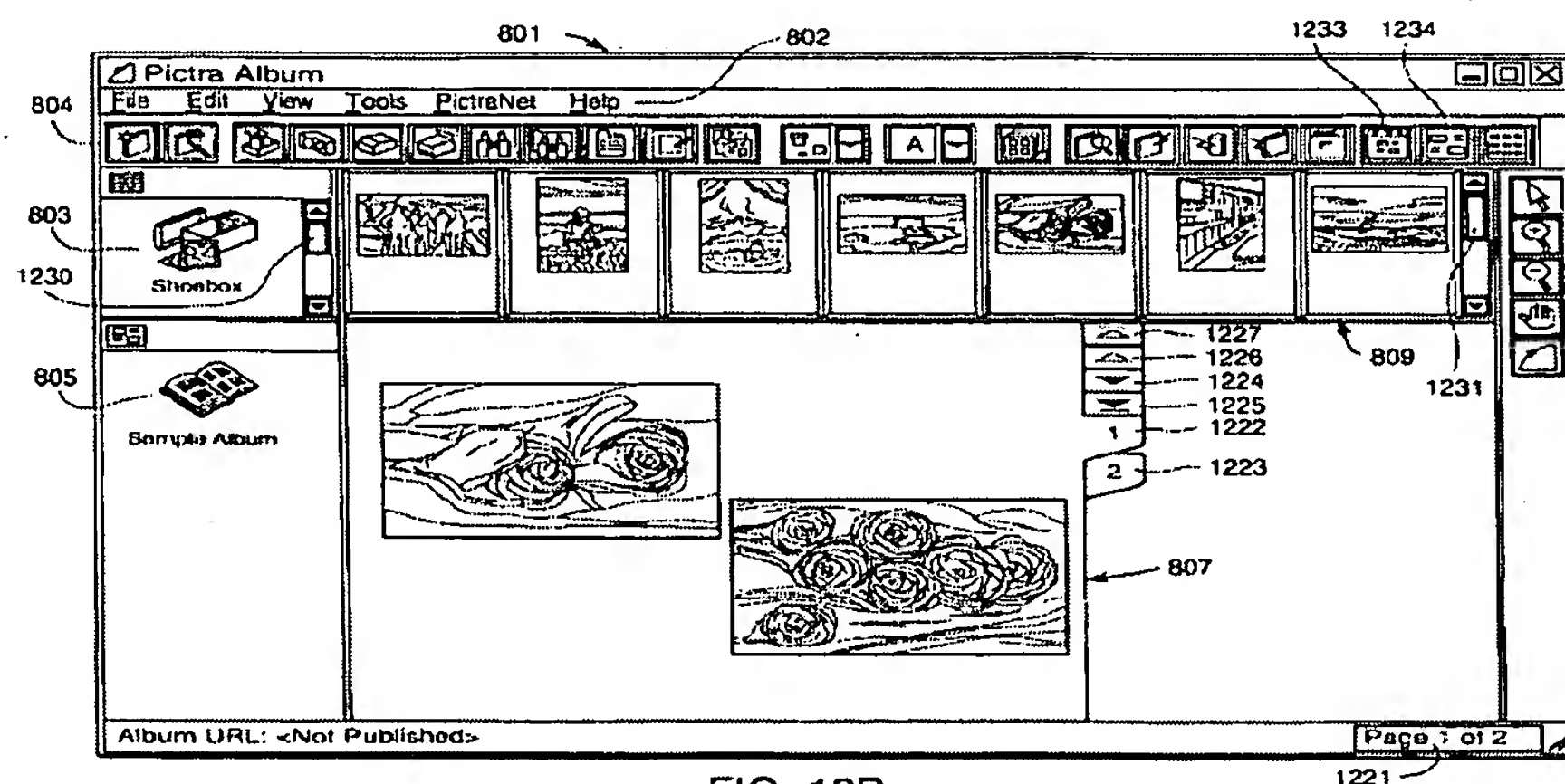


FIG. 12B

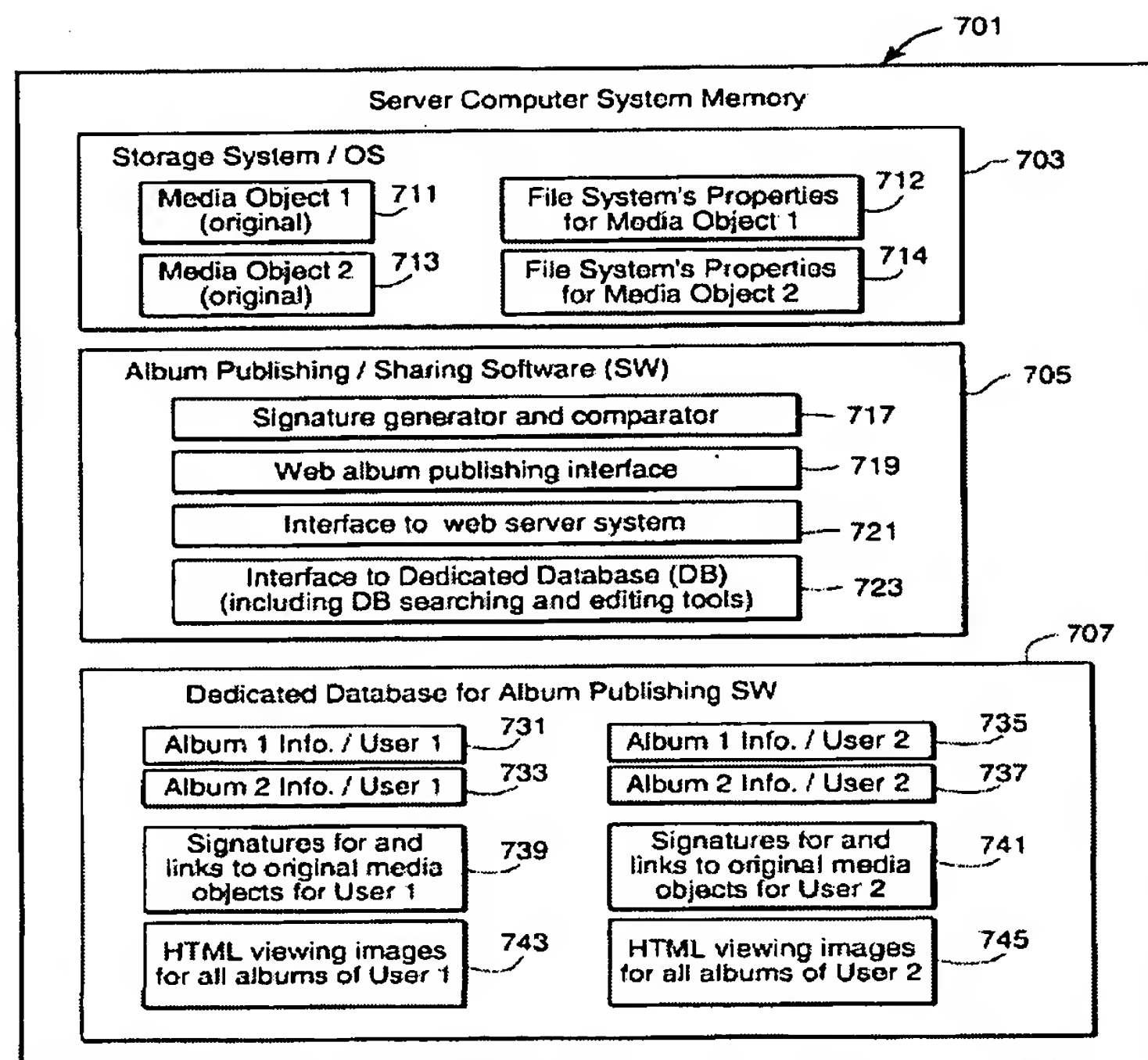


FIG. 7

As Show in Fig. 7 above the, the server file system includes the original, higher resolution media objects 1 and 2 shown as elements 711 and 713 (i.e. these elements are the actual digital (or other) data of the media object stored on the server storage system and generating albums as a result of decoding the information specifying album to specific user (see Khosla at col. 9, lines 25-55).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on

the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Conboy and Khosla do not explicitly teach, but Prarulski teaches **in response to receiving the image group identifier**. For example, Prarulski discloses the appropriate transferred images are displayed. The user can select a display of "all images", a display of "all favorite" images, or a display of a "selected group" of images. If the user selects the "display all" option, in block 130 the CPU motherboard 12 in the home computer 10 builds a request to retrieve all of the thumbnail images from the general assets table 600 in FIG. 8. In block 132 all of the image objects are retrieved, which includes the "favlevel" favorites level metadata 666. In block 134 all of the images are displayed in a way that organizes them into groups, with icons indicating the favorite images in the collection of images (see Prarulski at page 8 paragraph [0087]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski's method of transferred/ retrieved groups, images in the collection of images, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on

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the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding independent claims 7, 12, 18, 23 and 29 the rejection of claim 1 is fully incorporated. In addition, Conboy teaches **storing image on the server**. Specifically, Conboy discloses fetching the image from the server if the copy of the image is not found in the cache memory or if the copy of the image is not current (reasonably interprets as image is storing on the server) (Conboy at the Abstract).

In addition, Conboy teaches **the image identifier derived from an attribute of a markup element of a document on the client** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server. It is noted that Conboy's image tag in a hypertext language code, having attributes, that specifying the image's location on the server call from client, can reasonably interprets as, *"a document structured by markup elements having attributes,"* as claimed. Furthermore, Conboy teaches **a recording medium**. Specifically, Conboy discloses a cache memory item 406 of fig. 3.

Regarding claims 2-4 the rejection of claim 7 is fully incorporated. In addition, Conboy teaches **markup in the data stream** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code (i.e. markup data).

In addition, Conboy teaches **the data stream comprises a markup element that represents an instruction to retrieve** (see Conboy at col. 2, lines 10-30), discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server .

Regarding claim 8, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **BLOB** (see Parulski at page 8 paragraph [0087]), discloses a data blob.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Parulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob), into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages –see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code,

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the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claim 9, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **storing a pathname for each file** (see Prarulski at page 8 paragraph [0086]), discloses image path.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Prarulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob) and image path, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages – see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claims 5-6, 10, 13, 16, 20 and 21, the rejection of claim 7 is fully incorporated. In addition, Parulski teaches **associating the groups of images with an image retrieval routine, wherein retrieving the images further comprises invoking the image retrieval routine** (see Parulski at page 8 paragraph [0086]), discloses image path.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Parulski method of transferred/ retrieved groups, images in the collection of images (i.e. data blob) and image path, into Khosla's digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) with the a unique number to each slot on the ordered set of album pages – see Khosla at col. 1, line 65 through col. 2, line 15 and at col. 6, lines 15-30, also see Fig. 6 and 12a-b), into Conboy's on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device, wherein an image tag included in a hypertext language code, the image tag having attributes, the attributes specifying the image and parsing/searching the hypertext language code including the image tag for the location of a particular image location on the server- see Conboy at col. 2, lines 10-30, provides a efficient method to perform on-line image caching control using a hypertext language (see Conboy at col. 2, lines 5-10).

Regarding claim 11, the rejection of claim 4 is fully incorporated.

Regarding claims 14, 15, 17 and 22, the rejection of claims 4 and 7 are fully incorporated.

Regarding claims 19, and 30-31, the rejection of claims 8-9 are fully incorporated.

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Regarding claims 24, 25, 26, 27, 28 and 33, the rejection of claim 4, 7 and 23 are fully incorporated.

In regard to dependent claim 32, the rejection of claim 23 is fully incorporated.

Response to Arguments

6. Beginning on page 2 of 11 of the REMARKS (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.

Regarding rejections of claims 1- 33:

Applicants argue that the references Conboy, Khosla, and Prarulski do not “teach an image group identifier, identifying a plurality of images.” the remark page 2.

The Examiner disagrees.

In the broadest reasonable interpretation of the claim limitations, for example, Khosla discloses a digital processing system generating the digital media (i.e. digital pictures) and the media container (i.e. picture album) (see Khosla at col. 1, line 65 through col. 2, line 15). Also (see Khosla at col. 6, lines 15-30, also see Fig. 6 and 12a-b), discloses a set of album pages based upon the selected layout, wherein each album assigns a unique number to each slot on the ordered set of album pages (see example in fig 12-b illustrates bellows);

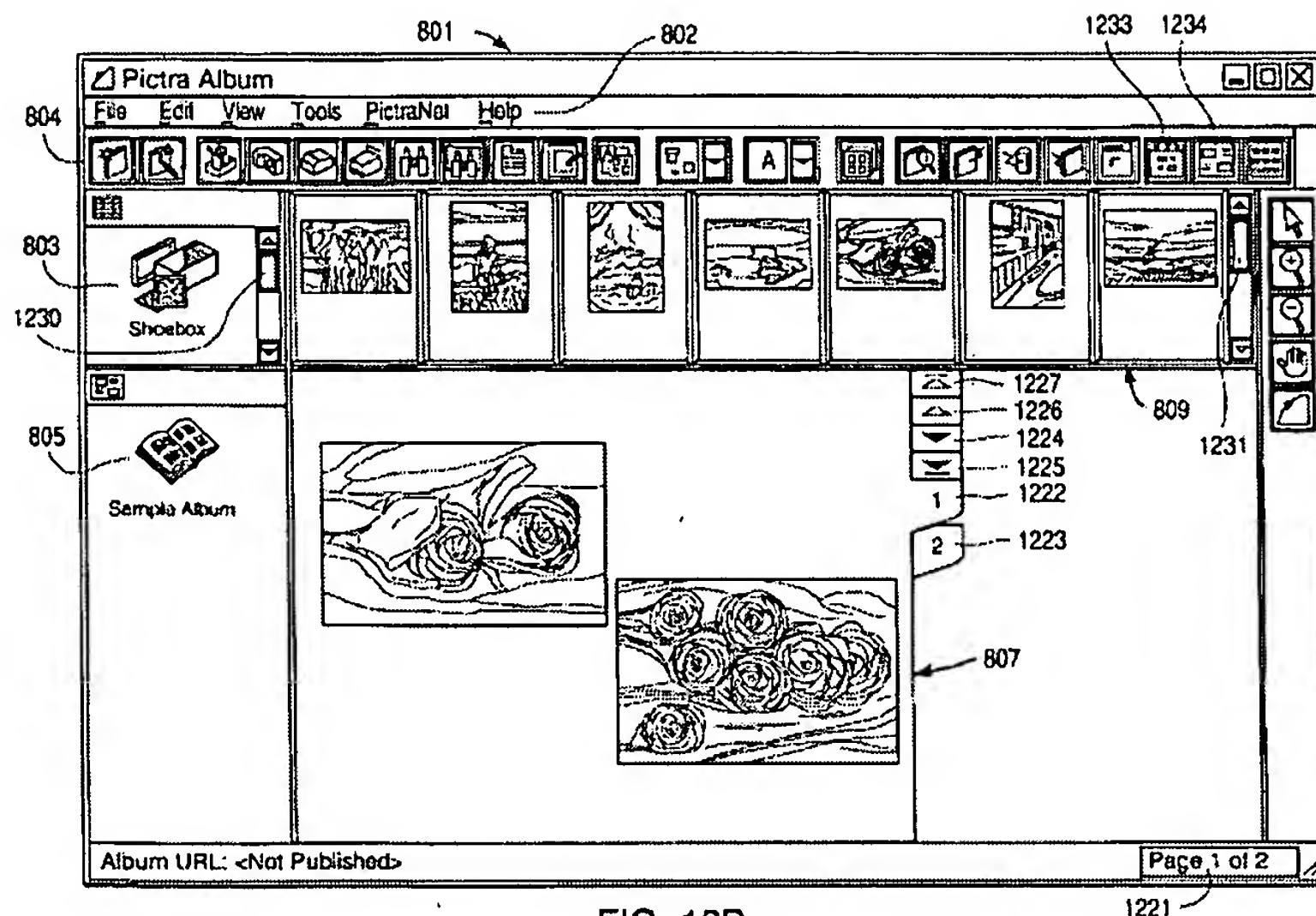


FIG. 12B

In addition, Parulski discloses groups of digital images, including data indicating the identified favorite images (Parulski para 7).

Applicants argue that the references Conboy, Khosla, and Prarulski do not “teach receiving a data stream, the data stream comprising a document structured by markup element having attributes.” the remark page 5.

The Examiner disagrees.

In the broadest reasonable interpretation of the claim limitations, for example, Conboy discloses a digital processing system generating the digital media (i.e. digital pictures), wherein it is well known by one of the ordinary skill in the art when an image is to be send to a viewing device the server send the HTML image tag:

```
<IMG SRC="<location>" [HEIGHT=<n>] [WIDTH=
<n>]>
```

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It is reasonably interpreted as the data stream comprising a document structured by markup element having attributes (i.e., attributes are location of the IMG_SRC and its properties, such as the HEIGHT=<n> and the WIDTH=<n>).

Applicants argue that the references Conboy, Khosla, and Prarulski do not “teach receiving image, from the data processing.” the remark page 7.

The Examiner disagrees.

In the broadest reasonable interpretation of the claim limitations, for example, Conboy discloses a digital processing system generating the digital media (i.e. digital pictures), wherein it is well known by one of the ordinary skill in the art when an image is to be send to a viewing device the server send the HTML image tag:

Applicants argue that the references Conboy, Khosla, and Prarulski do not “teach Storing images on a server.” the remark page 8.

The Examiner disagrees.

In the broadest reasonable interpretation of the claim limitations, for example, Conboy discloses a method for on-line controlling caching of an image on a viewing device to efficiently display the image on the viewing device. It is A Web client and/or a program that let's the user request documents from a server - it is reasonably interpreted as (Conboy at the abstract).

For at least all the above evidence, therefore the Examiner respectfully maintains the rejection of claims **1-33**, and should be sustained at this time.

Conclusion

7 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
February 20, 2007

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER